

Document Electronically Filed

May 27, 2021

Hon. Barbara C. Moses
United States Magistrate Judge
U.S. District Court for the Southern District of New York
500 Pearl Street, Room 920
New York, NY 1007-1312

MEMO ENDORSED

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/28/21</u>

Re: Gherson v. Commissioner of Social Security
Civil Action No: 1:20-cv-05651-BCM

Dear Judge Moses:

This letter respectfully requests an extension of time of seven (7) days for Plaintiff to file her Motion for Judgment on the Pleadings in this matter. Plaintiff's Motion for Judgment on the Pleadings is currently due on May 28, 2021 (Dkt. 8). The parties in this matter did not file a letter with the Court advising we would proceed to briefing (Dkt. 8). Due to this error, staff in Counsel's office incorrectly calendared the due date of Plaintiff's Motion for Judgment on the Pleadings. Additionally, due to the backlog of transcripts created by COVID-19 and the Commissioner's response, the Commissioner is able to produce records at a rapid pace. As a result, this has caused multiple, simultaneous filing deadlines that cannot be met. Plaintiff cannot meet the current briefing deadline. This extension is needed to thoroughly and properly prepare her Motion.

Plaintiff's counsel has contacted defense counsel who consents to this request. This would be a first request to extend the time to file Plaintiff's Motion for Judgment on the Pleadings.

If this request is granted, Plaintiff's Motion for Judgment on the Pleadings will be due on **June 4, 2021**. Subsequently, in accordance with the pattern of the Scheduling Order, the Commissioner's Response would then be due **August 3, 2021**. Plaintiff's Reply would then be due **August 24, 2021**.

Thank you for your consideration.

Respectfully submitted,

/s/ Howard D. Olinsky

Howard D. Olinsky, Esq.
Bar Code H06529
Counsel for Plaintiff

CC [via ECF]: Graham Morrison (Counsel for Defendant)

SO ORDERED.

Dated: May 28, 2021
New York, NY

Application GRANTED. SO ORDERED.



Barbara Moses
United States Magistrate Judge
May 28, 2021